



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION



September 21, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION INITIATING PROCEEDINGS FOR
AN AMENDMENT TO AN EXISTING RATE AND METHOD OF
APPORTIONMENT OF ASSESSMENTS
WITHIN LOS ANGELES COUNTY LANDSCAPING AND LIGHTING ACT (LLA)
DISTRICT NO. 2, ZONE NO. 26, EMERALD CREST
AND FOR THE PREPARATION OF AN ENGINEER'S REPORT IN REGARDS
TO THE AMENDMENT TO THE EXISTING RATE AND METHOD OF
APPORTIONMENT OF ASSESSMENTS
(5th District - Three-Vote Matter)**

IT IS RECOMMENDED THAT YOUR BOARD

1. Adopt the attached Resolution Initiating Proceedings for an amendment to the existing rate and method of apportionment of assessments to allow for annual increases in assessments for landscape maintenance purposes for Los Angeles County Landscaping and Lighting Act (LLA) District 2, Zone No. 26, Emerald Crest, pursuant to provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, and as provided by Article XIII D of the California Constitution.
2. Designate the Director of the Department of Parks and Recreation as the "Engineer" for purposes of implementing this procedure.
3. Instruct the Director of the Department of Parks and Recreation to prepare and file an Engineer's Report in accordance with Article 4 (commencing with Section 22565) of Chapter 1, Part 2, Division 15 of the Streets and Highways Code of the State of California.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this recommended action is for your Board to initiate proceedings for an amendment to the existing rate and method of apportionment of assessments to allow for annual increases in assessments for landscape maintenance purposes within LLA District No. 2, Zone No. 26 Emerald Crest.

This Board action only initiates the assessment process and does not, in itself, establish any assessment rates.

On August 5, 1986, your Board approved the formation of Los Angeles County LLA District No. 2, Zone 26, Emerald Crest, for the purpose of providing landscape maintenance pursuant to provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California.

D.R. Horton Homes, as the majority property owner within the zone, is in support of the amendment to the existing rate and method of apportionment of assessments for maintenance purposes for the existing LLA District No. 2 Zone No. 26 Emerald Crest to provide for an inflation adjuster, based on the Consumer Price Index.

As the governing body, the Board of Supervisors is responsible for approving amendments to the existing rate and method of apportionment of assessments to allow for annual increases in assessments for landscape maintenance purposes. Board adoption of the Resolution Initiating Proceedings institutes the amendment process for the existing annual assessments commencing in Fiscal Year 2005-06.

Proceedings regarding the proposed amendment to the rate and method of apportionment will be considered pursuant to a future Resolution of Intention, as required in accordance with the Streets and Highways Code of the State of California and as provided by Article XIII D of the California Constitution.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goals of Service Excellence (Goal One) and Fiscal Responsibility (Goal Four). These recommendations, in compliance with the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution, will allow the County to service and maintain the landscaping and appurtenant facilities that benefit those that live within this Zone.

FISCAL IMPACT/FINANCING

All services provided in the District and Zone therein are funded by the assessments established by the Board of Supervisors. There is no fiscal impact to the General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Landscaping and Lighting Act and California Constitution set forth procedures that must be followed for amending an existing district and zone. The Landscaping and Lighting Act requires that the legislative body adopt a Resolution Initiating Proceedings and generally describe any proposed changes to the existing rate and method of apportionment of assessments. The legislative body must also order the Engineer to prepare and file a report in accordance with Section 22565 et seq. of the Streets and Highways Code.

Over the next two weeks, we will submit for your Board's approval the required Engineer's Report and Resolution of Intention setting the public hearing date to amend the existing rate and method of apportionment of assessments.

County Counsel has approved the enclosed Resolution as to form.

The Honorable Board of Supervisors
September 21, 2004
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one conformed copy each be forwarded to the Chief Administrative Office and County Counsel, and two conformed copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



Russ Guiney
Interim Director

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cc: Chief Administrative Officer
Executive Officer, Board of Supervisors (22)

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS**

**RESOLUTION INITIATING PROCEEDINGS FOR
AN AMENDMENT TO AN EXISTING RATE AND METHOD OF APPORTIONMENT OF
ASSESSMENTS WITHIN LOS ANGELES COUNTY LANDSCAPING AND LIGHTING
ACT (LLA) DISTRICT NO. 2, ZONE NO. 26, EMERALD CREST
AND FOR THE PREPARATION OF AN ENGINEER'S REPORT IN REGARDS
TO THE AMENDMENT TO THE EXISTING RATE AND METHOD OF
APPORTIONMENT OF ASSESSMENTS PURSUANT TO PROVISIONS
OF THE LANDSCAPING AND LIGHTING ACT OF 1972
(PART 2, DIVISION 15, STREETS AND
HIGHWAYS CODE, STATE OF CALIFORNIA) AND AS PROVIDED BY
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION**

WHEREAS, on August 5, 1986, the Board of Supervisors of the County of Los Angeles approved the formation of Los Angeles County Landscaping and Lighting Act LLA District No. 2, Zone No. 26, Emerald Crest, for the purpose of providing funds for the maintenance and operation of the landscaping installed as a condition of development of Tract No. 44440 pursuant to provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California; and

WHEREAS, the Board of Supervisors of the County of Los Angeles proposes to amend the existing rate and method of apportionment of assessments for LLA District No. 2, Zone No. 26, Emerald Crest to allow for a cost of living adjustment; and

WHEREAS, provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California require the legislative body to adopt a Resolution Initiating Proceedings and generally describing any substantial changes in the rate and method of apportionment and ordering the Engineer to prepare and file a report in accordance with Section 22565, et. seq. of the Streets and Highways Code and as provided by Article XIII D of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. That the Board of Supervisors of the County of Los Angeles proposes to amend the existing rate and method of apportionment of assessments with regards to LLA District No. 2, Zone No. 26, Emerald Crest, to allow for a cost of living adjustment pursuant to the Landscaping and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and as provided by Article XIII D of the California Constitution.

Section 2. That the general location and boundaries of LLA District No. 2, Zone No. 26, Emerald Crest, as shown on maps dated August 5, 1986, on file in the office of the Department of Parks and Recreation, are incorporated herein by reference, and open to public inspection.

Section 3.

That the Director of the Department of Parks and Recreation is hereby ordered to prepare and file a report in accordance with Article 4 commencing with Section 22565, of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

The foregoing Resolution was on the _____ day of _____, 2004, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS,
Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By Francis E. Scott
Francis E. Scott, Principal Deputy